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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 28 February 1992 from the Deputy Permanent Representative, Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith a letter dated 26 February 1992, addressed to you by H.E. Kenan Atakol, Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, with regard to the question of human rights in Cyprus.

I should be grateful if my letter and its enclosure could be circulated as a document of the Commission on Human Rights under agenda item 12.

(Signed) Bilge Cankorel
Deputy Permanent Representative
Chargé d'affaires a.i.

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I have the honour to refer to the statement made by the Greek Cypriot representative, Mr. Vanias Markides, to the forty-eighth session of the Commission on Human Rights, under agenda item 12 (a) and to reply to the allegations contained therein concerning alleged violation of human rights of Greek Cypriots in Cyprus.

If there have been and there continue to be "gross and systematic violations of human rights" in Cyprus, they are those of the Turkish Cypriot people, and not of the Greek Cypriots.

The Greek Cypriots, exploiting the right illegitimately recognized to them to speak for "Cyprus", to the exclusion of the Turkish Cypriots, are continually misrepresenting facts on this and every other issue concerning the Cyprus problem for propaganda purposes. And, therefore, any weight given to such propaganda is devoid of any moral basis.

In considering the question of human rights in Cyprus, one has to be careful not to confuse cause and consequence and for that reason the recent political history of the island should be borne in mind.

An international seminar on "Human Rights and the Cyprus Question", organized by the Turkish Cypriot Human Rights Committee (an affiliated body of the United Nations Association of Northern Cyprus), held in Lefkosa on 22 and 23 October 1990 and attended by eminent academicians and lawyers from various countries, including the United States, the United Kingdom, Germany, Denmark and Ireland, made, inter alia, the following significant observations.

> "Human rights issues cannot be taken up in isolation from other aspects of the Cyprus question, including the political aspect. In this context, it was stressed that the continuous violations of the human rights to life, corporal integrity, liberty, property and equal treatment of the Turkish Cypriots, particularly between 1963 and 1974 has been the main factor leading to the current situation in the island."

> "The persistence of the Greek Cypriot side in continuing to obstruct the exercise, by the Turkish Cypriots, of their rights of security and self-determination through an intensive campaign on a global scale, is aimed at isolating the Turkish Cypriots from the rest of the world. This attitude also constitutes a hindrance to the interests of third parties who may wish to have direct links and relations with the Turkish Cypriots."

The human rights violations against the Turkish Cypriot people of the island have been long-standing, grave and systematic because they have been ethnically and politically motivated. The following notorious statements made in public speeches by Greek Cypriot leaders, in the recent past, reflect the intensity of such motivation.

Archbishop Markarios on the occasion of his enthronement as Archbishop of Cyprus on 20 December 1950

> "I take the holy oath that I shall work for the birth of our national freedom and shall never waiver from our policy of uniting Cyprus with Mother Greece."

Archbishop Makarios in a letter to the Greek Prime Minister dated 9 September 1953

> "We are entitled to and demand such support because what Cypriots want is not self-government, or autonomy, or independence, but union with Greece."

Archbishop Makarios speaking at Panayia village on 4 September 1962 (he was then the President of the bi-communal Republic of Cyprus)

> "Until this small Turkish community, forming part of the Turkish race, which has been the terrible enemy of Hellenism, is expelled, the duty of the heroes of EOKA can never be considered as terminated."

Archbishop Makarios' Minister of Interior Poligarpos Yeorgadjis speaking in the same year

> "There is no place in Cyprus for anyone who is not Greek."

Archbishop Makarios in a statement to the Cyprus Mail of 28 March 1963

> "No Greek who knows me can ever believe that I would wish to work for the creation of a Cypriot national awareness. The Agreements (London and Zurich) have created a State, but not a Nation."

Archbishop Makarios in a public speech at Nicosia on 26 May 1965

> "Either the whole of Cyprus is to be united with Greece or become a holocaust. The road to the fulfilment of national aspirations may be full of difficulties, but we shall reach the goal, which is ENOSIS, alive or dead."

Similar statements continue to be uttered by Greek Cypriot political and military leaders even today.

The mentality and aspirations, reflected in the afore-quoted statements, inevitably led, within three years, to the destruction of the 1960 bi-communal Republic of Cyprus, which was based on cooperation in partnership between the two ethnic peoples of the island, namely the Turkish Cypriot people and the Greek Cypriot people. In the process the most fundamental human rights of the Turkish Cypriots began to be violated and continue to be so violated even today owing to the passive indifference of the on-looking world, thanks to Greek and Greek Cypriot influence and propaganda.

Accordingly, in looking at and examining the question of human rights in Cyprus, one has to look at the constitutional set-up when the Republic was established by the two national communities (Turkish Cypriots and Greek Cypriots) in 1960.

Under the Constitution human rights were properly provided for and adequately protected. In addition to these individual rights, the Constitution provided for the political equality of the two co-founder communities and safeguarded their rights as distinct corporate political entities. The foundation of the State and legitimacy of its bi-communal Government rested on this concept of power-sharing between the two separate political entities, whose right of self-determination was recognized.

As acknowledged by Mr. Glafcos Clerides, the veteran politician and long-time president of the Greek Cypriot House of Representatives, in pages 236-237 of his book, Cyprus: My Deposition, volume III, it was this constitutional set-up and the continuity of the partnership status of the two communities which had been disrupted in 1963.

Thus, the Greek Cypriot partner, by taking up arms against the Turkish Cypriot partner, destroyed the whole basis of the existence of the Republic and sought, by force of arms to reduce the political status of the co-founder partner, the Turkish Cypriot community, to that of a minority within a Greek Cyprus. Again, quoting from Mr. Clerides' book, at page 237, the Greek Cypriot policy of reducing the Turkish Cypriot partner to the status of a minority did not succeed "because the Turkish side ... remained unretreating on the issue of accepting a minority status", and further, at page 105, Mr. Clerides underlines the fact that the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot State with a protected Turkish minority and, he continues, "the Turkish Cypriot preoccupation was to defeat any such effort and to maintain the partnership concept ... The conflict, therefore, was a conflict of principle and for that principle both sides were prepared to go on arguing and even, if need be, to fight, rather than compromise".

The second aspect of human rights in Cyprus, covering the period from December 1963 to August 1974, has to be examined in the light of a situation in which the Greek Cypriot community was striving to force its Turkish Cypriot partner to accept minority status in lieu of its co-founder partnership status, sharing power on the basis of equality.

During this period all vested rights of the Turkish Cypriot partner were denied and defied, but Turkish Cypriots refuse to abandon their political rights in the body politic of Cyprus.

The result of this conflict was the separation of the partners as from 1963, since when there has been no joint administration in the island because of the continued refusal of the Greek Cypriot leadership to share power with Turkish Cypriots as equal partners.

Those years, namely the period from December 1963 to August 1974, witnessed unprecedented cruelty and violence, leaving hundreds of Turkish

Cypriots killed, rendering one fourth of the population homeless refugees, with hundreds missing, to this day. Simultaneously with these attacks, Turkish Cypriots, the co-founder partners of the bi-national republic of 1960, were expelled in 1963 from all organs of the State by force of arms and were kept out of the government machinery thereafter. The continuous violations of the human rights to life, corporal integrity, liberty and property of the Turkish Cypriots between those years have been the main factors leading to the current political situation in the island.

Memoirs of several former statesmen bear witness to the sufferings of the Turkish Cypriots in Cyprus. To quote one, a former British Prime Minister, Sir Alec Douglas-Home, in his book The Way the Wind Blows, page 242, states:

> "I was early convinced of the view that if Archbishop Makarios could not bring himself to treat the Turkish Cypriots as human beings, he was inviting the invasion and partition of the island."
>
> Subsequent developments proved Sir Alec right.

The reports of the Secretary-General of the United Nations also, during the period 1963-1974, shed light on the violation of the human rights of the Turkish Cypriots prior to 1974.

Denial of the freedom to live a decent life

> "... many of the 600 refugees who had come to Kokkina from neighbouring localities were living in caves under sub-normal conditions which might present a health hazard in winter."
> (S/5950 Add., September 1964)

Economic restrictions

> "... the official list of restricted goods (to the Turkish Cypriot people) still comprise 31 items. Most of these items have extensive civilian use ... In addition other items not in the list are often subjected to seizure at Cyprus Police (Greek) check points."
> (S/7350, 10 June 1966)

Veritable siege

> "... the economic restrictions being imposed against the Turkish communities in Cyprus, which in some instances has been so severe as to amount to a veritable siege ..."
> (S/5950)

Restriction of foodstuffs

> "... on 3 September a supply of fresh meat and cheese in authorized quantities was prevented by the Cypriot forces (Greek) from entering the Turkish Cypriot sector of Nicosia, in violation of the understanding ..."
> (S/5950)

Restrictions on freedom of movement

> "... the fear and mistrust that followed the disappearance of the 32 Turkish Cypriot hostages ... brought all Turkish Cypriot road movement to a halt. Since then, the major movement undertaken by the Turkish Cypriot community has been under United Nations escort."

Denial of postal services

> "... the Government (the Greek Cypriot Administration) has since 25 April 1964, sent no international or domestic correspondence or parcels, except for one category, across the Turkish Cypriot sector of Nicosia."
> (S/5950, September 1964)

And in paragraph 22 of his report of 10 September 1964 to the Security Council, the Secretary-General stated in part:

> "The conclusion seems warranted, that the economic conditions being imposed against the Turkish community in Cyprus, which in some instances have been so severe as to amount to a veritable siege, indicate that the Government of Cyprus seeks to force a potential solution by economic pressure, as a substitute for military action."

And, a few days later, on 16 September 1964, an editorial in the New York Herald Tribune stated:

> "Blockade sounds like a relatively agreeable substitute for outright war, until it is translated into terms of degrading sub-human standards of life and the imminent threat of starvation."

All these acts of cruelty added on to armed attacks, murder and abductions, which were also observed at the time by the representatives of the International Committee of the Red Cross on the island, resulted in the destruction of 103 Turkish Cypriot villages and forced displacement of about 30,000 Turkish Cypriots, who became refugees, deprived of their homes and lands and were forced to subsist on charity, in tents or even caves, for years.

The pro-Enosis Sampson coup of 15 July 1974, planned and executed by Greece with the assistance of her collaborators in Cyprus, forced the Turkish intervention in 1974, following which, under the population exchange agreement signed in 1975, the Turkish Cypriots and Greek Cypriots gathered in the northern and southern part of the island, respectively. The Turkish Cypriots then, as an exercise of their right to self-determination, established their own administration in the north which eventually became the Turkish Republic of Northern Cyprus in 1983. The TRNC is a fully democratic country based on the rule of law. Its citizens enjoy all human rights and freedoms, comparable to those enjoyed by the citizens of the western world. This is also confirmed in the latest report on human rights by the State Department of the United States, in which it is stated as follows:

"... The internal political system in Northern Cyprus is democratic and based on free elections, and basic human rights to its population are guaranteed in both theory and practice".

On the same subject, the following observation was made at the Seminar.

"The seminar noted that the Turkish Cypriot people have given themselves a democratic constitutional structure which is based on the rule of law, guaranteeing the free expression of the popular will in every sphere of political life, including the election of their legislators."

Thus, although in 1974, the Turkish Cypriot people were liberated from the direct and harsh human rights violations, perpetrated against them by the Greek Cypriot side, the Greek Cypriots, by continuing to use their usurped and illegitimate title of "Government of Cyprus", still prevent the full enjoyment by the Turkish Cypriots of their rights and liberties vis-à-vis the outside world. That is to say, having been deprived of the opportunity of oppressing and discriminating against the Turkish Cypriots within Cyprus, the Greek Cypriots are now endeavouring to isolate the Turkish Cypriot people from the rest of the world. Today, the Greek Cypriot side is employing a web of measures to hinder trade and communication of Northern Cyprus with the outside world, and to isolate the Turkish Cypriots in the political, economic, commercial, touristic and sportive fields.

As part of this inhuman isolation, the Turkish Cypriots are prevented from directly communicating with the outside world. To break this postal isolation, the Turkish Cypriots, with the cooperation of motherland Turkey, have had to resort to using a special code (Mersin 10 - Turkey) on their incoming mail. This is a measure undertaken by the Turkish Cypriot side to circumvent the hardship imposed by the Greek Cypriot side.

Direct flights between Northern Cyprus and foreign countries are also prevented. The Greek Cypriot Administration of Southern Cyprus is, in this regard, constantly pressurizing international organizations such as ICAO, IATA and civil authorities of many countries, to prevent direct flights to Northern Cyprus. Furthermore, the Turkish Cypriots cannot travel anywhere freely because their passports are not accepted as an identity card or travel document.

The Turkish Cypriots are denied the right to be represented in international forums on a par with the Greek Cypriots. At international bodies such as the United Nations General Assembly, the Council of Europe and its associated organs and at this very Commission on Human Rights and its subcommittees, the Greek Cypriot representatives conduct a ruthless campaign of deceit so as to make certain that only their side is heard as the sole representative of Cyprus. Hence, one-sided resolutions and decisions are unjustly adopted, in the absence of Turkish Cypriot representatives in such forums.

Trade and tourism between Northern Cyprus and other countries are also severely obstructed by the Greek Cypriot campaign of deceit and their

declaration of our sea and airports as illegal. The Greek Cypriots go to the extent of blacklisting and later imprisoning foreign sea captains who visit ports in the Turkish Republic of Northern Cyprus if they happen to call at Southern ports later on.

Sea captains visiting Northern Cyprus ports are arrested and put on trial on their first call at a Southern Cyprus port.

In the only remaining mixed village in Cyprus, named Pyla, which is in a buffer zone, the Greek Cypriot authorities prevent their own citizens and tourists visiting the village from buying anything from the Turkish Cypriot inhabitants. The Turkish Cypriot people of this village have been under an economic siege for several years now. The Greek Cypriot police prevent freedom of movement by setting up road-blocks, effectively intercepting and arresting anyone found in possession of goods purchased from the Turkish Cypriots; and Greek Cypriots buying or attempting to buy ordinary goods or produce from Turkish Cypriots are arrested, their purchases confiscated and destroyed, and they are punished. It is paradoxical that while, on the one hand, the Greek Cypriots try to project the only mixed village of Pyla as an example of the "peaceful coexistence" of the Turkish Cypriot and Greek Cypriot peoples, on the other hand, they exhibit in this very village, some of the worst examples of their economic restrictions on the Turkish Cypriot people.

The Turkish Cypriot people get only a fraction of the international aid given to Cyprus, the Greek Cypriot Administration of Southern Cyprus usurping almost all of this aid.

What makes this picture more appalling is the impossibility for the Turkish Cypriot people to seek justice before international instances, such as European human rights organs. Although article 2, paragraph 2 of the Universal Declaration of Human Rights states that "There shall be no distinction made on the basis of political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any limitation of sovereignty", the Turkish Cypriots are still being deprived of the exercise of certain rights.

In view of the foregoing, the Turkish Cypriot people of Northern Cyprus remain outside the effective protection of international human rights instruments because of the unjustly unrecognized status of their Republic and are left with the only option of asking for the help of motherland Turkey for safeguarding their human rights and security against the instigation by their southern neighbours of the international community. The 1990 Seminar made the following observation in this connection.

> "The Seminar stressed that the presence of Turkish troops on the island is necessary for safeguarding the security and human rights of the Turkish Cypriot people."

In regard to this vital matter of the human rights of Turkish Cypriots the following conclusions were reached at the Seminar.

"Invites third parties, including international bodies, to accord fair treatment to the Turkish Cypriot people and to observe the principles of international law and natural justice by giving the Turkish Cypriots an equal say in all fora where pertinent matters relating to the Cyprus question are taken up."

"Appeals to the family of nations and to all international organizations to put an end to the Turkish Cypriots' sufferings caused by the restrictions being imposed on them in violation of their rights and to desist from any action which may result in further isolation of the Turkish Cypriots from the international community. In this regard they should favourably consider the establishment or the strengthening of their socio-economic ties with the Turkish Cypriot people especially in the fields of transport, trade, communication, tourism, as well as in cultural and sportive activities which the Seminar believes will help towards the establishment of a healthy new relationship in Cyprus between the two parties."

Considered against the background described and illustrated above, the allegations of the Greek Cypriot representatives at all international forums illegitimately open to them alone on behalf of Cyprus, about "gross and systematic violations of human rights of Greek Cypriots in Cyprus" must be dismissed simply because they are unfounded and intended only as a smokescreen for their desire and vain attempts to enlist support to reverse the situation in Cyprus to its pre-1974 status.